

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,  
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN  
DRUG CORPORATION, et al.,  
Defendants.

---

CABELL COUNTY COMMISSION,  
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN  
DRUG CORPORATION, et al.,  
Defendants.

---

**DEFENDANT'S MOTION TO COMPEL DISCOVERY RESPONSES  
FROM THE WEST VIRGINIA BUREAU FOR CHILDREN AND FAMILIES**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure and this Court's Order Regarding Third-Party Discovery Disputes (ECF No. 365), Defendant AmerisourceBergen Drug Corporation ("Defendant"), by counsel, hereby moves the Court for an order compelling the West Virginia Bureau for Children and Families ("BCF") to produce documents in response to a certain subpoena which Defendant previously served upon BCF. Defendant's motion should be granted for the reasons set forth in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ P 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum and upon which this motion relies are attached to this

motion. Defendant further certifies that it has conferred with counsel for BCF in an effort to resolve the discovery dispute without court intervention.

Dated: May 15, 2020

Respectfully submitted,

*AmerisourceBergen Drug Corporation*  
By Counsel:

/s/ Gretchen M. Callas  
Gretchen M. Callas (WVSB #7136)  
JACKSON KELLY PLLC  
Post Office Box 553  
Charleston, West Virginia 25322  
Tel: (304) 340-1000  
Fax: (304) 340-1050  
gcallas@jacksonkelly.com

/s/ Robert A. Nicholas  
Robert A. Nicholas  
Shannon E. McClure  
REED SMITH LLP  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Tel: (215) 851-8100  
Fax: (215) 851-1420  
rnicholas@reedsmith.com  
smcclure@reedsmith.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,  
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN  
DRUG CORPORATION, et al.,  
Defendants.

---

CABELL COUNTY COMMISSION,  
Plaintiff,

v.

CIVIL ACTION NO. 3:17-01665

AMERISOURCEBERGEN  
DRUG CORPORATION, et al.,  
Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2020 the Defendant's Motion to Compel Discovery Responses from the West Virginia Bureau for Children and Families was sent to Counsel for the Plaintiffs and Defendants using the Court's CM/ECF system, which will send notification of such filing to all counsel of record. Notice of Defendant's Memotion as well as copies of the Motion and its exhibits have been sent to Counsel for the West Virginia Bureau for Children and Families, Allen Campbell, by electronic mail to the following e-mail address: Allen.B.Campbell@wv.gov.

*/s/ Gretchen M. Callas*  
Gretchen M. Callas (WVSB # 7136)